

AMENDED IN SENATE MAY 11, 2016

AMENDED IN SENATE MAY 3, 2016

AMENDED IN ASSEMBLY JANUARY 14, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1067**

---

### Introduced by Assembly Member Gipson

February 26, 2015

---

An act to amend ~~Sections 366.1, 366.35, and 16501.1 of, Section 16501.1 of,~~ and to add Section 16001.8 to, the Welfare and Institutions Code, relating to foster children.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Gipson. Foster children: rights.

(1) Existing law provides that it is the policy of the state that all minors and nonminors in foster care have specified rights, including, among others, the right to be free of the administration of medication or chemical substances, unless authorized by a physician.

This bill would require the State Department of Social Services to convene a working group regarding the specified rights of all minors and nonminors in foster care in order to educate them, foster care providers, and others, and would require the working group to be composed of, among others, the County Welfare Directors Association of California and foster children advocacy groups. The bill would provide the responsibilities of the working group, including making

recommendations to the Legislature, by January 1, 2018, for revising the rights, and developing standardized information regarding the revised rights, by July 1, 2018, as specified.

(2) Existing law requires, at least once every 6 months, at the time of a regularly scheduled placement agency contact with the foster child, a foster child's social worker or probation officer to inform the child of the above-mentioned rights.

This bill would additionally require the social worker or probation officer to inform the care provider and child and family team, if applicable, of those rights, provide a written copy of the rights to the child, and document in the case plan that he or she has informed the child of, and has provided the child with a written copy of, his or her rights. By imposing duties on local officials, the bill would impose a state-mandated local program.

~~(3) Existing law requires the status of every dependent child in foster care be reviewed periodically as determined by the court but no less frequently than once every 6 months, and requires the supplemental report on the status review to include specified observations.~~

~~This bill would require the report to include the signature of the foster child and the date of the signature if he or she is 12 years of age or older at the time of the report verifying that he or she has received and understands the above-mentioned rights. By imposing duties on local officials, the bill would impose a state-mandated local program.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. ~~Section 366.1 of the Welfare and Institutions~~
- 2     ~~Code is amended to read:~~
- 3     ~~366.1. (a) Each supplemental report required to be filed~~
- 4     ~~pursuant to Section 366 shall include, but not be limited to, a~~
- 5     ~~factual discussion of each of the following subjects:~~

1     ~~(1) Whether the county welfare department social worker has~~  
2     ~~considered either of the following:~~

3     ~~(A) Child protective services, as defined in Chapter 5~~  
4     ~~(commencing with Section 16500) of Part 4 of Division 9, as a~~  
5     ~~possible solution to the problems at hand, and has offered those~~  
6     ~~services to qualified parents, if appropriate under the circumstances.~~

7     ~~(B) Whether the child can be returned to the custody of his or~~  
8     ~~her parent who is enrolled in a certified substance abuse treatment~~  
9     ~~facility that allows a dependent child to reside with his or her~~  
10    ~~parent.~~

11    ~~(2) What plan, if any, for the return and maintenance of the~~  
12    ~~child in a safe home is recommended to the court by the county~~  
13    ~~welfare department social worker.~~

14    ~~(3) Whether the subject child appears to be a person who is~~  
15    ~~eligible to be considered for further court action to free the child~~  
16    ~~from parental custody and control.~~

17    ~~(4) What actions, if any, have been taken by the parent to correct~~  
18    ~~the problems that caused the child to be made a dependent child~~  
19    ~~of the court.~~

20    ~~(5) If the parent or guardian is unwilling or unable to participate~~  
21    ~~in making an educational decision for his or her child, or if other~~  
22    ~~circumstances exist that compromise the ability of the parent or~~  
23    ~~guardian to make educational decisions for the child, the county~~  
24    ~~welfare department or social worker shall consider whether the~~  
25    ~~right of the parent or guardian to make educational decisions for~~  
26    ~~the child should be limited. If the supplemental report makes that~~  
27    ~~recommendation, the report shall identify whether there is a~~  
28    ~~responsible adult available to make educational decisions for the~~  
29    ~~child pursuant to Section 361.~~

30    ~~(6) (A) Whether the child has any siblings under the court's~~  
31    ~~jurisdiction, and, if any siblings exist, all of the following:~~

32    ~~(i) The nature of the relationship between the child and his or~~  
33    ~~her siblings.~~

34    ~~(ii) The appropriateness of developing or maintaining the sibling~~  
35    ~~relationships pursuant to Section 16002.~~

36    ~~(iii) If the siblings are not placed together in the same home,~~  
37    ~~why the siblings are not placed together and what efforts are being~~  
38    ~~made to place the siblings together, or why those efforts are not~~  
39    ~~appropriate.~~

40    ~~(iv) If the siblings are not placed together, all of the following:~~

1 ~~(I) The frequency and nature of the visits between the siblings.~~

2 ~~(II) If there are visits between the siblings, whether the visits~~  
3 ~~are supervised or unsupervised. If the visits are supervised, a~~  
4 ~~discussion of the reasons why the visits are supervised, and what~~  
5 ~~needs to be accomplished in order for the visits to be unsupervised.~~

6 ~~(III) If there are visits between the siblings, a description of the~~  
7 ~~location and length of the visits.~~

8 ~~(IV) Any plan to increase visitation between the siblings.~~

9 ~~(v) The impact of the sibling relationships on the child's~~  
10 ~~placement and planning for legal permanency.~~

11 ~~(B) The factual discussion shall include a discussion of~~  
12 ~~indicators of the nature of the child's sibling relationships,~~  
13 ~~including, but not limited to, whether the siblings were raised~~  
14 ~~together in the same home, whether the siblings have shared~~  
15 ~~significant common experiences or have existing close and strong~~  
16 ~~bonds, whether either sibling expresses a desire to visit or live with~~  
17 ~~his or her sibling, as applicable, and whether ongoing contact is~~  
18 ~~in the child's best emotional interests.~~

19 ~~(7) Whether a child who is 10 years of age or older and who~~  
20 ~~has been in an out-of-home placement for six months or longer~~  
21 ~~has relationships with individuals other than the child's siblings~~  
22 ~~that are important to the child, consistent with the child's best~~  
23 ~~interests, and actions taken to maintain those relationships. The~~  
24 ~~social worker shall ask every child who is 10 years of age or older~~  
25 ~~and who has been in an out-of-home placement for six months or~~  
26 ~~longer to identify any individuals other than the child's siblings~~  
27 ~~who are important to the child, consistent with the child's best~~  
28 ~~interest. The social worker may ask any other child to provide that~~  
29 ~~information, as appropriate.~~

30 ~~(8) The implementation and operation of the amendments to~~  
31 ~~subdivision (g) enacted at the 2005-06 Regular Session shall be~~  
32 ~~subject to appropriation through the budget process and by phase,~~  
33 ~~as provided in Section 366.35.~~

34 ~~(b) The supplemental report shall include the signature of the~~  
35 ~~foster child and the date of the signature if he or she is 12 years of~~  
36 ~~age or older at the time of the report verifying that he or she has~~  
37 ~~received and understands his or her rights described in Section~~  
38 ~~16001.9.~~

39 ~~SEC. 2. Section 366.35 of the Welfare and Institutions Code~~  
40 ~~is amended to read:~~

1     ~~366.35.—(a) The implementation and operation of the~~  
2 ~~amendments to subparagraph (B) of paragraph (1) of subdivision~~  
3 ~~(a) of Section 366, paragraph (7) of subdivision (a) of Section~~  
4 ~~366.1, subdivisions (e) and (g) of Section 366.21, subdivision (a)~~  
5 ~~of Section 366.22, subdivision (a) of Section 366.25, paragraph~~  
6 ~~(3) of, and subparagraph (A) of paragraph (4) of, subdivision (c)~~  
7 ~~of Section 366.26, paragraphs (2) and (3) of subdivision (c) of~~  
8 ~~Section 366.3, and subdivision (i) of Section 16501.1 enacted at~~  
9 ~~the 2005–06 Regular Session shall be phased in, consistent with~~  
10 ~~the child’s best interests, as follows:~~

11     ~~(1) The first phase of expansion shall apply to a child who is~~  
12 ~~10 years of age or older and placed with a nonrelative for six~~  
13 ~~months or longer.~~

14     ~~(2) The second phase of expansion shall apply to a child who~~  
15 ~~is 10 years of age or older and placed with a nonrelative or in~~  
16 ~~permanent placement relative care for six months or longer.~~

17     ~~(3) The final phase of expansion shall apply to a child who is~~  
18 ~~10 years of age or older and who has been in out-of-home~~  
19 ~~placement for six months or longer.~~

20     ~~(b) All phases of subdivision (a) shall be subject to appropriation~~  
21 ~~through the budget process. Those appropriations shall apply only~~  
22 ~~to the state’s share of costs. Counties shall remain responsible for~~  
23 ~~their nonfederal share of costs.~~

24     ~~SEC. 3.~~

25     ~~SECTION 1.~~ Section 16001.8 is added to the Welfare and  
26 Institutions Code, to read:

27     16001.8. (a) The State Department of Social Services shall  
28 convene a working group regarding the rights of all minors and  
29 nonminors in foster care, as specified in Section 16001.9, in order  
30 to educate foster youth, foster care providers, and others.  
31 Responsibilities of the working group shall include all of the  
32 following:

33     (1) By January 1, 2018, make recommendations to the  
34 Legislature for revising the rights based on a review of state law.

35     (2) By July 1, 2018, develop standardized information regarding  
36 the revised rights in an age-appropriate manner and reflective of  
37 any relevant licensing requirements with respect to the foster care  
38 providers’ responsibilities to adequately supervise children in care.

39     (3) By July 1, 2018, develop recommendations regarding  
40 methods for disseminating the standardized information specified

1 in paragraph ~~(2)~~. (2), *including whether to require the signature*  
2 *of a foster child verifying that he or she has received and*  
3 *understands his or her rights.*

4 (4) By July 1, 2018, develop recommendations for measuring  
5 and improving, if necessary, the degree to which foster youth are  
6 adequately informed of their rights.

7 (b) The working group shall be composed of all of the following:

8 (1) The Office of the State Foster Care Ombudsperson.

9 (2) The County Welfare Directors Association of California.

10 (3) The Chief Probation Officers of California.

11 (4) The County Behavioral Health Directors Association of  
12 California.

13 (5) Current and former foster youth.

14 (6) Foster parents and caregivers.

15 (7) Foster children advocacy groups.

16 (8) Foster care ~~facilities~~ *provider* associations.

17 (9) Any other interested parties.

18 ~~SEC. 4.~~

19 *SEC. 2.* Section 16501.1 of the Welfare and Institutions Code  
20 is amended to read:

21 16501.1. (a) (1) The Legislature finds and declares that the  
22 foundation and central unifying tool in child welfare services is  
23 the case plan.

24 (2) The Legislature further finds and declares that a case plan  
25 ensures that the child receives protection and safe and proper care  
26 and case management, and that services are provided to the child  
27 and parents or other caretakers, as appropriate, in order to improve  
28 conditions in the parent's home, to facilitate the safe return of the  
29 child to a safe home or the permanent placement of the child, and  
30 to address the needs of the child while in foster care.

31 (3) The agency shall consider the recommendations of the child  
32 and family team, as defined in paragraph (4) of subdivision (a) of  
33 Section 16501, if any are available. The agency shall document  
34 the rationale for any inconsistencies between the case plan and the  
35 child and family team recommendations.

36 (b) (1) A case plan shall be based upon the principles of this  
37 section and the input from the child and family team.

38 (2) The case plan shall document that a preplacement assessment  
39 of the service needs of the child and family, and preplacement  
40 preventive services, have been provided, and that reasonable efforts

1 to prevent out-of-home placement have been made. Preplacement  
2 services may include intensive mental health services in the home  
3 or a community setting and the reasonable efforts made to prevent  
4 out-of-home placement.

5 (3) In determining the reasonable services to be offered or  
6 provided, the child's health and safety shall be the paramount  
7 concerns.

8 (4) Upon a determination pursuant to paragraph (1) of  
9 subdivision (e) of Section 361.5 that reasonable services will be  
10 offered to a parent who is incarcerated in a county jail or state  
11 prison, detained by the United States Department of Homeland  
12 Security, or deported to his or her country of origin, the case plan  
13 shall include information, to the extent possible, about a parent's  
14 incarceration in a county jail or the state prison, detention by the  
15 United States Department of Homeland Security, or deportation  
16 during the time that a minor child of that parent is involved in  
17 dependency care.

18 (5) Reasonable services shall be offered or provided to make it  
19 possible for a child to return to a safe home environment, unless,  
20 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
21 determines that reunification services shall not be provided.

22 (6) If reasonable services are not ordered, or are terminated,  
23 reasonable efforts shall be made to place the child in a timely  
24 manner in accordance with the permanent plan and to complete  
25 all steps necessary to finalize the permanent placement of the child.

26 (c) If out-of-home placement is used to attain case plan goals,  
27 the case plan shall consider the recommendations of the child and  
28 family team.

29 (d) (1) The case plan shall include a description of the type of  
30 home or institution in which the child is to be placed, and the  
31 reasons for that placement decision. The decision regarding choice  
32 of placement shall be based upon selection of a safe setting that is  
33 the least restrictive family setting that promotes normal childhood  
34 experiences and the most appropriate setting that meets the child's  
35 individual needs and is available, in proximity to the parent's home,  
36 in proximity to the child's school, and consistent with the selection  
37 of the environment best suited to meet the child's special needs  
38 and best interests. The selection shall consider, in order of priority,  
39 placement with relatives, nonrelated extended family members,  
40 and tribal members; foster family homes, resource families, and

1 nontreatment certified homes of foster family agencies; followed  
2 by treatment and intensive treatment certified homes of foster  
3 family agencies; or multidimensional treatment foster care homes  
4 or therapeutic foster care homes; group care placements in the  
5 order of short-term residential treatment centers, group homes,  
6 community treatment facilities, and out-of-state residential  
7 treatment pursuant to Part 5 (commencing with Section 7900) of  
8 Division 12 of the Family Code.

9 (2) If a short-term intensive treatment center placement is  
10 selected for a child, the case plan shall indicate the needs of the  
11 child that necessitate this placement, the plan for transitioning the  
12 child to a less restrictive environment, and the projected timeline  
13 by which the child will be transitioned to a less restrictive  
14 environment. This section of the case plan shall be reviewed and  
15 updated at least semiannually.

16 (A) The case plan for placements in a group home, or  
17 commencing January 1, 2017, in a short-term residential treatment  
18 center, shall indicate that the county has taken into consideration  
19 Section 16010.8.

20 (B) After January 1, 2017, a child and family team meeting as  
21 defined in Section 16501 shall be convened by the county placing  
22 agency for the purpose of identifying the supports and services  
23 needed to achieve permanency and enable the child or youth to be  
24 placed in the least restrictive family setting that promotes normal  
25 childhood experiences.

26 (3) On or after January 1, 2012, for a nonminor dependent, as  
27 defined in subdivision (v) of Section 11400, who is receiving  
28 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
29 in addition to the above requirements, the selection of the  
30 placement, including a supervised independent living placement,  
31 as described in subdivision (w) of Section 11400, shall also be  
32 based upon the developmental needs of young adults by providing  
33 opportunities to have incremental responsibilities that prepare a  
34 nonminor dependent to transition to successful adulthood. If  
35 admission to, or continuation in, a group home or short-term  
36 residential treatment center placement is being considered for a  
37 nonminor dependent, the group home or short-term residential  
38 treatment center placement approval decision shall include a  
39 youth-driven, team-based case planning process, as defined by the  
40 department, in consultation with stakeholders. The case plan shall



1 consider the full range of placement options, and shall specify why  
2 admission to, or continuation in, a group home placement is the  
3 best alternative available at the time to meet the special needs or  
4 well-being of the nonminor dependent, and how the placement  
5 will contribute to the nonminor dependent's transition to successful  
6 adulthood. The case plan shall specify the treatment strategies that  
7 will be used to prepare the nonminor dependent for discharge to  
8 a less restrictive family setting that promotes normal childhood  
9 experiences, including a target date for discharge from the group  
10 home placement. The placement shall be reviewed and updated  
11 on a regular, periodic basis to ensure that continuation in the group  
12 home placement remains in the best interests of the nonminor  
13 dependent and that progress is being made in achieving case plan  
14 goals leading to successful adulthood. The group home placement  
15 planning process shall begin as soon as it becomes clear to the  
16 county welfare department or probation office that a foster child  
17 in group home placement is likely to remain in group home  
18 placement on his or her 18th birthday, in order to expedite the  
19 transition to a less restrictive family setting that promotes normal  
20 childhood experiences, if he or she becomes a nonminor dependent.  
21 The case planning process shall include informing the youth of all  
22 of his or her options, including, but not limited to, admission to  
23 or continuation in a group home placement. Consideration for  
24 continuation of existing group home placement for a nonminor  
25 dependent under 19 years of age may include the need to stay in  
26 the same placement in order to complete high school. After a  
27 nonminor dependent either completes high school or attains his or  
28 her 19th birthday, whichever is earlier, continuation in or admission  
29 to a group home placement is prohibited unless the nonminor  
30 dependent satisfies the conditions of paragraph (5) of subdivision  
31 (b) of Section 11403, and group home placement functions as a  
32 short-term transition to the appropriate system of care. Treatment  
33 services provided by the group home placement to the nonminor  
34 dependent to alleviate or ameliorate the medical condition, as  
35 described in paragraph (5) of subdivision (b) of Section 11403,  
36 shall not constitute the sole basis to disqualify a nonminor  
37 dependent from the group home placement.

38 (4) In addition to the requirements of paragraphs (1) to (3),  
39 inclusive, and taking into account other statutory considerations  
40 regarding placement, the selection of the most appropriate home

1 that will meet the child's special needs and best interests shall also  
2 promote educational stability by taking into consideration  
3 proximity to the child's school of origin, and school attendance  
4 area, the number of school transfers the child has previously  
5 experienced, and the child's school matriculation schedule, in  
6 addition to other indicators of educational stability that the  
7 Legislature hereby encourages the State Department of Social  
8 Services and the State Department of Education to develop.

9 (e) A written case plan shall be completed within a maximum  
10 of 60 days of the initial removal of the child or of the in-person  
11 response required under subdivision (f) of Section 16501 if the  
12 child has not been removed from his or her home, or by the date  
13 of the dispositional hearing pursuant to Section 358, whichever  
14 occurs first. The case plan shall be updated, as the service needs  
15 of the child and family dictate. At a minimum, the case plan shall  
16 be updated in conjunction with each status review hearing  
17 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
18 the hearing conducted pursuant to Section 366.26, but no less  
19 frequently than once every six months. Each updated case plan  
20 shall include a description of the services that have been provided  
21 to the child under the plan and an evaluation of the appropriateness  
22 and effectiveness of those services.

23 (1) It is the intent of the Legislature that extending the maximum  
24 time available for preparing a written case plan from 30 to 60 days  
25 will afford caseworkers time to actively engage families, and to  
26 solicit and integrate into the case plan the input of the child and  
27 the child's family, as well as the input of relatives and other  
28 interested parties.

29 (2) The extension of the maximum time available for preparing  
30 a written case plan from the 30 to 60 days shall be effective 90  
31 days after the date that the department gives counties written notice  
32 that necessary changes have been made to the Child Welfare  
33 Services/Case Management System (CWS/CMS) to account for  
34 the 60-day timeframe for preparing a written case plan.

35 (f) The child welfare services case plan shall be comprehensive  
36 enough to meet the juvenile court dependency proceedings  
37 requirements pursuant to Article 6 (commencing with Section 300)  
38 of Chapter 2 of Part 1 of Division 2.

39 (g) The case plan shall be developed considering the  
40 recommendations of the child and family team, as follows:

1 (1) The case plan shall be based upon an assessment of the  
2 circumstances that required child welfare services intervention.  
3 The child shall be involved in developing the case plan as age and  
4 developmentally appropriate.

5 (2) The case plan shall identify specific goals and the  
6 appropriateness of the planned services in meeting those goals.

7 (3) The case plan shall identify the original allegations of abuse  
8 or neglect, as defined in Article 2.5 (commencing with Section  
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
10 conditions cited as the basis for declaring the child a dependent of  
11 the court pursuant to Section 300, or all of these, and the other  
12 precipitating incidents that led to child welfare services  
13 intervention.

14 (4) The case plan shall include a description of the schedule of  
15 the placement agency contacts with the child and the family or  
16 other caretakers. The frequency of these contacts shall be in  
17 accordance with regulations adopted by the State Department of  
18 Social Services. If the child has been placed in foster care out of  
19 state, the county social worker or probation officer, or a social  
20 worker or probation officer on the staff of the agency in the state  
21 in which the child has been placed, shall visit the child in a foster  
22 family home or the home of a relative, consistent with federal law  
23 and in accordance with the department's approved state plan. For  
24 children in out-of-state group home facilities, visits shall be  
25 conducted at least monthly, pursuant to Section 16516.5. At least  
26 once every six months, at the time of a regularly scheduled  
27 placement agency contact with the foster child, and at each  
28 placement change, the child's social worker or probation officer  
29 shall inform the child, the care provider, and the child and family  
30 team, if applicable, of the child's rights as a foster child, as  
31 specified in Section 16001.9, and shall provide a written copy of  
32 the rights to the child as part of the explanation. The social worker  
33 or probation officer shall provide the information to the child in a  
34 manner appropriate to the age or developmental level of the child.  
35 The social worker or probation officer shall document in the case  
36 plan that he or she has informed the child of, and has provided the  
37 child with a written copy of, his or her rights.

38 (5) (A) When out-of-home services are used, the frequency of  
39 contact between the natural parents or legal guardians and the child  
40 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles  
2 outlined in this section.

3 (B) Information regarding any court-ordered visitation between  
4 the child and the natural parents or legal guardians, and the terms  
5 and conditions needed to facilitate the visits while protecting the  
6 safety of the child, shall be provided to the child's out-of-home  
7 caregiver as soon as possible after the court order is made.

8 (6) When out-of-home placement is made, the case plan shall  
9 include provisions for the development and maintenance of sibling  
10 relationships as specified in subdivisions (b), (c), and (d) of Section  
11 16002. If appropriate, when siblings who are dependents of the  
12 juvenile court are not placed together, the social worker for each  
13 child, if different, shall communicate with each of the other social  
14 workers and ensure that the child's siblings are informed of  
15 significant life events that occur within their extended family.  
16 Unless it has been determined that it is inappropriate in a particular  
17 case to keep siblings informed of significant life events that occur  
18 within the extended family, the social worker shall determine the  
19 appropriate means and setting for disclosure of this information  
20 to the child commensurate with the child's age and emotional  
21 well-being. These significant life events shall include, but shall  
22 not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the  
26 child objects to the sharing of the information with his or her  
27 siblings, including changes in placement, major medical or mental  
28 health diagnoses, treatments, or hospitalizations, arrests, and  
29 changes in the permanent plan.

30 (7) If out-of-home placement is made in a foster family home,  
31 group home, or other child care institution that is either a  
32 substantial distance from the home of the child's parent or out of  
33 state, the case plan shall specify the reasons why that placement  
34 is in the best interest of the child. When an out-of-state group home  
35 placement is recommended or made, the case plan shall, in  
36 addition, specify compliance with Section 7911.1 of the Family  
37 Code.

38 (8) A case plan shall ensure the educational stability of the child  
39 while in foster care and shall include both of the following:

1 (A) An assurance that the placement takes into account the  
2 appropriateness of the current educational setting and the proximity  
3 to the school in which the child is enrolled at the time of placement.

4 (B) An assurance that the placement agency has coordinated  
5 with the person holding the right to make educational decisions  
6 for the child and appropriate local educational agencies to ensure  
7 that the child remains in the school in which the child is enrolled  
8 at the time of placement or, if remaining in that school is not in  
9 the best interests of the child, assurances by the placement agency  
10 and the local educational agency to provide immediate and  
11 appropriate enrollment in a new school and to provide all of the  
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights  
14 have been terminated and the case plan is placement for adoption,  
15 the case plan shall include a recommendation regarding the  
16 appropriateness of unsupervised visitation between the child and  
17 any of the child's siblings. This recommendation shall include a  
18 statement regarding the child's and the siblings' willingness to  
19 participate in unsupervised visitation. If the case plan includes a  
20 recommendation for unsupervised sibling visitation, the plan shall  
21 also note that information necessary to accomplish this visitation  
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the  
24 visits between the child and siblings, as well as any court-ordered  
25 terms and conditions needed to facilitate the visits while protecting  
26 the safety of the child, shall be provided to the child's out-of-home  
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is  
29 reunification, the case plan shall describe the services to be  
30 provided to assist in reunification and the services to be provided  
31 concurrently to achieve legal permanency if efforts to reunify fail.  
32 The plan shall also consider in-state and out-of-state placements,  
33 the importance of developing and maintaining sibling relationships  
34 pursuant to Section 16002, and the desire and willingness of the  
35 caregiver to provide legal permanency for the child if reunification  
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care  
38 for at least 12 months, and the goal is not adoptive placement, the  
39 case plan shall include documentation of the compelling reason  
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the  
2 past 12 months by the department when it is acting as an adoption  
3 agency or by a licensed adoption agency that it is unlikely that the  
4 child will be adopted, or that one of the conditions described in  
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity  
8 to review the case plan, and to sign it whenever possible, and then  
9 shall receive a copy of the plan. In a voluntary service or placement  
10 agreement, the parents or legal guardians shall be required to  
11 review and sign the case plan. Whenever possible, parents and  
12 legal guardians shall participate in the development of the case  
13 plan. Commencing January 1, 2012, for nonminor dependents, as  
14 defined in subdivision (v) of Section 11400, who are receiving  
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
16 to Section 11403, the transitional independent living case plan, as  
17 set forth in subdivision (y) of Section 11400, shall be developed  
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant  
20 to Section 1228.1 of the Evidence Code, neither their signature on  
21 the child welfare services case plan nor their acceptance of any  
22 services prescribed in the child welfare services case plan shall  
23 constitute an admission of guilt or be used as evidence against the  
24 parent or legal guardian in a court of law. However, they shall also  
25 be advised that the parent's or guardian's failure to cooperate,  
26 except for good cause, in the provision of services specified in the  
27 child welfare services case plan may be used in any hearing held  
28 pursuant to Section 366.21, 366.22, or 366.25 of this code as  
29 evidence.

30 (13) A child shall be given a meaningful opportunity to  
31 participate in the development of the case plan and state his or her  
32 preference for foster care placement. A child who is 12 years of  
33 age or older and in a permanent placement shall also be given the  
34 opportunity to review the case plan, sign the case plan, and receive  
35 a copy of the case plan.

36 (14) The case plan shall be included in the court report and shall  
37 be considered by the court at the initial hearing and each review  
38 hearing. Modifications to the case plan made during the period  
39 between review hearings need not be approved by the court if the  
40 casework supervisor for that case determines that the modifications

1 further the goals of the plan. If out-of-home services are used with  
2 the goal of family reunification, the case plan shall consider and  
3 describe the application of subdivision (b) of Section 11203.

4 (15) (A) If the case plan has as its goal for the child a permanent  
5 plan of adoption or legal guardianship, it shall include a statement  
6 of the child's wishes regarding their permanent placement plan  
7 and an assessment of those stated wishes. The agency shall also  
8 include documentation of the steps the agency is taking to find an  
9 adoptive family or other permanent living arrangements for the  
10 child; to place the child with an adoptive family, an appropriate  
11 and willing relative, or a legal guardian, and to finalize the adoption  
12 or legal guardianship. At a minimum, the documentation shall  
13 include child-specific recruitment efforts, such as the use of state,  
14 regional, and national adoption exchanges, including electronic  
15 exchange systems, when the child has been freed for adoption.  
16 Regardless of whether the child has been freed for adoption,  
17 documentation shall include a description of any barriers to  
18 achieving legal permanence and the steps the agency will take to  
19 address those barriers. If the plan is for kinship guardianship, the  
20 case plan shall document how the child meets the kinship  
21 guardianship eligibility requirements.

22 (B) When the child is 16 years of age or older and is in another  
23 planned permanent living arrangement, the case plan shall identify  
24 the intensive and ongoing efforts to return the child to the home  
25 of the parent, place the child for adoption, place the child for tribal  
26 customary adoption in the case of an Indian child, establish a legal  
27 guardianship, or place the child nonminor dependent with a fit and  
28 willing relative, as appropriate. Efforts shall include the use of  
29 technology, including social media, to find biological family  
30 members of the child.

31 (16) (A) (i) For a child who is 14 or 15 years of age, the case  
32 plan shall include a written description of the programs and services  
33 that will help the child, consistent with the child's best interests,  
34 to prepare for the transition from foster care to successful  
35 adulthood. The description may be included in the document  
36 described in subparagraph (A) of paragraph (18).

37 (ii) When appropriate, for a child who is 16 years of age or older  
38 and, commencing January 1, 2012, for a nonminor dependent, the  
39 case plan shall include the transitional independent living plan  
40 (TILP), a written description of the programs and services that

1 will help the child, consistent with the child's best interests, to  
2 prepare for the transition from foster care to successful adulthood,  
3 and, in addition, whether the youth has an in-progress application  
4 pending for Title XVI Supplemental Security Income benefits or  
5 for Special Immigrant Juvenile Status or other applicable  
6 application for legal residency and an active dependency case is  
7 required for that application. When appropriate, for a nonminor  
8 dependent, the transitional independent living case plan, as  
9 described in subdivision (v) of Section 11400, shall include the  
10 TILP, a written description of the programs and services that will  
11 help the nonminor dependent, consistent with his or her best  
12 interests, to prepare for transition from foster care and assist the  
13 youth in meeting the eligibility criteria set forth in paragraphs (1)  
14 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,  
15 the case plan shall describe the individualized supervision provided  
16 in the supervised independent living placement as defined in  
17 subdivision (w) of Section 11400. The case plan shall be developed  
18 with the child or nonminor dependent and individuals identified  
19 as important to the child or nonminor dependent, and shall include  
20 steps the agency is taking to ensure that the child or nonminor  
21 dependent achieves permanence, including maintaining or  
22 obtaining permanent connections to caring and committed adults.

23 (B) During the 90-day period prior to the participant attaining  
24 18 years of age or older as the state may elect under Section  
25 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
26 675(8)(B)(iii)), whether during that period foster care maintenance  
27 payments are being made on the child's behalf or the child is  
28 receiving benefits or services under Section 477 of the federal  
29 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
30 appropriate agency staff or probation officer and other  
31 representatives of the participant, as appropriate, shall provide the  
32 youth or nonminor dependent with assistance and support in  
33 developing the written 90-day transition plan, that is personalized  
34 at the direction of the child, information as detailed as the  
35 participant elects that shall include, but not be limited to, options  
36 regarding housing, health insurance, education, local opportunities  
37 for mentors and continuing support services, and workforce  
38 supports and employment services, a power of attorney for health  
39 care, and information regarding the advance health care directive  
40 form.



1 (C) For youth 14 years of age or older, the case plan shall  
2 include documentation that a consumer credit report was requested  
3 annually from each of the three major credit reporting agencies at  
4 no charge to the youth and that any results were provided to the  
5 youth. For nonminor dependents, the case plan shall include  
6 documentation that the county assisted the nonminor dependent  
7 in obtaining his or her reports. The case plan shall include  
8 documentation of barriers, if any, to obtaining the credit reports.  
9 If the consumer credit report reveals any accounts, the case plan  
10 shall detail how the county ensured the youth received assistance  
11 with interpreting the credit report and resolving any inaccuracies,  
12 including any referrals made for the assistance.

13 (17) For youth 14 years of age or older and nonminor  
14 dependents, the case plan shall be developed in consultation with  
15 the youth. At the youth's option, the consultation may include up  
16 to two members of the case planning team who are chosen by the  
17 youth and who are not foster parents of, or caseworkers for, the  
18 youth. The agency, at any time, may reject an individual selected  
19 by the youth to be a member of the case planning team if the  
20 agency has good cause to believe that the individual would not act  
21 in the youth's best interest. One individual selected by the youth  
22 to be a member of the case planning team may be designated to  
23 be the youth's adviser and advocate with respect to the application  
24 of the reasonable and prudent parent standard to the youth, as  
25 necessary.

26 (18) For youth in foster care 14 years of age and older and  
27 nonminor dependents, the case plan shall include both of the  
28 following:

29 (A) A document that describes the youth's rights with respect  
30 to education, health, visitation, and court participation, the right  
31 to be annually provided with copies of his or her credit reports at  
32 no cost while in foster care pursuant to Section 10618.6, and the  
33 right to stay safe and avoid exploitation.

34 (B) A signed acknowledgment by the youth that he or she has  
35 been provided a copy of the document and that the rights described  
36 in the document have been explained to the youth in an  
37 age-appropriate manner.

38 (19) The case plan for a child or nonminor dependent who is,  
39 or who is at risk of becoming, the victim of commercial sexual

1 exploitation, shall document the services provided to address that  
2 issue.

3 (h) If the court finds, after considering the case plan, that  
4 unsupervised sibling visitation is appropriate and has been  
5 consented to, the court shall order that the child or the child's  
6 siblings, the child's current caregiver, and the child's prospective  
7 adoptive parents, if applicable, be provided with information  
8 necessary to accomplish this visitation. This section does not  
9 require or prohibit the social worker's facilitation, transportation,  
10 or supervision of visits between the child and his or her siblings.

11 (i) The case plan documentation on sibling placements required  
12 under this section shall not require modification of existing case  
13 plan forms until the Child Welfare Service/Case Management  
14 System (CWS/CMS) is implemented on a statewide basis.

15 (j) When a child is 10 years of age or older and has been in  
16 out-of-home placement for six months or longer, the case plan  
17 shall include an identification of individuals, other than the child's  
18 siblings, who are important to the child and actions necessary to  
19 maintain the child's relationship with those individuals, provided  
20 that those relationships are in the best interest of the child. The  
21 social worker or probation officer shall ask every child who is 10  
22 years of age or older and who has been in out-of-home placement  
23 for six months or longer to identify individuals other than the  
24 child's siblings who are important to the child, and may ask any  
25 other child to provide that information, or may seek that  
26 information from the child and family team, as appropriate. The  
27 social worker or probation officer shall make efforts to identify  
28 other individuals who are important to the child, consistent with  
29 the child's best interests.

30 (k) The child's caregiver shall be provided a copy of a plan  
31 outlining the child's needs and services. The nonminor dependent's  
32 caregiver shall be provided with a copy of the nonminor's TILP.

33 (l) Each county shall ensure that the total number of visits made  
34 by caseworkers on a monthly basis to children in foster care during  
35 a federal fiscal year is not less than 95 percent of the total number  
36 of those visits that would occur if each child were visited once  
37 every month while in care and that the majority of the visits occur  
38 in the residence of the child. The county child welfare and  
39 probation departments shall comply with data reporting  
40 requirements that the department deems necessary to comply with

1 the federal Child and Family Services Improvement Act of 2006  
2 (Public Law 109-288) and the federal Child and Family Services  
3 Improvement and Innovation Act of 2011 (Public Law 112-34).

4 (m) The implementation and operation of the amendments to  
5 subdivision (i) enacted at the 2005–06 Regular Session shall be  
6 subject to appropriation through the budget process and by phase,  
7 as provided in Section 366.35.

8 ~~SEC. 5.~~

9 *SEC. 3.* To the extent that this act has an overall effect of  
10 increasing the costs already borne by a local agency for programs  
11 or levels of service mandated by the 2011 Realignment Legislation  
12 within the meaning of Section 36 of Article XIII of the California  
13 Constitution, it shall apply to local agencies only to the extent that  
14 the state provides annual funding for the cost increase. Any new  
15 program or higher level of service provided by a local agency  
16 pursuant to this act above the level for which funding has been  
17 provided shall not require a subvention of funds by the state nor  
18 otherwise be subject to Section 6 of Article XIII B of the California  
19 Constitution.

O